

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CLAUDINE L. TRIGLIA,

Plaintiff,

v.

PEPSICO, INC., PEPSICO PENSION MANAGEMENT
SERVICES, LTD., and PEPSI-COLA BOTTLING
COMPANY OF NEW YORK, INC.,

Defendant.
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Civil Action No.:
07-CIV-6905
(WCC/GAY)

WAIVER OF SERVICE OF SUMMONS

To: Robert J. Hilpert, Esq., THE HILPERT LAW OFFICES


I acknowledge receipt of your request that I waive service of a summons in the action of CLAUDINE L. TRIGLIA v. PEPSICO, INC., PEPSICO PENSION MANAGEMENT SERVICES, LTD., and PEPSI-COLA BOTTLING COMPANY OF NEW YORK, INC., which is case number 07 Civ. 6905 in the United States District Court for the Southern District of New York. I have also received two copies of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Federal Rule of Civil Procedure 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Federal Rule of Civil Procedure 12 is not served on you within 60 days after August 3, 2007, the date the notice and request for waiver was sent.

SIGNED on August 27, 2007.


 [name:] C.P.D. Gull, as
 [title] Attorney Pepsi-Cola
Bottling Co. of NY, Inc.

DUTY TO AVOID UNNECESSARY COSTS OF SERVICE OF SUMMONS

Federal Rule of Civil Procedure 4 requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of service unless good cause is shown for the failure to sign and return the waiver.

It is not good cause for failure to waive service that a party believes that the complaint is unfounded or that the action has been brought in an improper place or in a court lacking jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must, within the time specified on the waiver form, serve on plaintiff's attorney (or on the unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against the defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SIGNED on 27 August, 2007.

LUBOJA & THAU LLP

By: [Signature]

[name:] David A. Stein, as

[title] Attorneys for PepsiCo, Inc. and
PepsiCo Pension Agent Services Ltd.

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Plaintiff,

-against-

PEPSICO, INC., PEPSICO PENSION
MANAGEMENT SERVICES, LTD. and
PEPSI-COLA BOTTLING COMPANY
OF NEW YORK, INC.,

Respondents.
-----X

Civil Action No:
07-cv-6905 -WCC

STIPULATION

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned
counsel, as follows:

1. The time for Defendants PepsiCo., Inc. ("PepsiCo.") and PepsiCo Pension
Management Services, Ltd. ("PPMS") (collectively, "Pepsi"), to respond to plaintiff's
complaint shall be extended from October 1, 2007 to October 22, 2007.

2. This stipulation is without prejudice to the claims and defenses of the
respective parties.

3. This Stipulation may be executed in counterparts and facsimile signatures
shall be valid and binding.

4. This Stipulation may be filed by counsel for any party without further
notice.

Dated: Croton-on-Hudson, New York

September, 2007

October 1

THE HILPERT LAW OFFICES

By: 

Steven Felsenfeld, Esq.
Attorneys for Plaintiff
75 South Riverside Avenue
Croton-on-Hudson, New York 10520
(914) 271-2100

Dated: New York, New York

September 26, 2007

LUBOJA & THAU, LLP

By: 

David A. Stein, Esq. (DS-1631)
Attorneys for Defendants PepsiCo, Inc.
and PepsiCo Pension Management
Services, Ltd.
10 East 40th Street
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